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Date:

March 4, 2003

To:

Examiner Robert Nasser  
Group Art Unit 3736  
U.S. Patent and Trademark Office

Facsimile No.:

703-308-0758

From:

Alan W. Cannon

Re:

Application Serial No. 09/440,106

Message:

Hi Examiner Nasser,

I am sending a copy of the response as filed on January 24, 2003, per your request during our telephone conversation today. Please confirm that you have received this.

Thanks,  
Alan Cannon

Total number of pages, including this cover sheet: 16

\*\*\*\*\*

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GROUP 3700

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PTO/SB/21 (08-00)

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

GROUP 3700

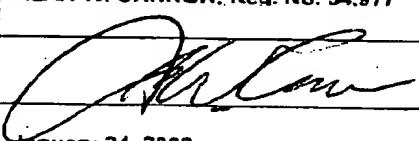
<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/440,106
		Filing Date	November 15, 1999
		Confirmation Number	2546
		First Named Inventor	TAYLOR, CHARLES S.
		Group Art Unit	3736
		Examiner Name	NASSER, ROBERT L.
Total Number of Pages in This Submission	14	Attorney Docket Number	GUID-003DIV2

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> (In Duplicate) <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>POSTCARD</b>	
			<input type="checkbox"/>

Remarks

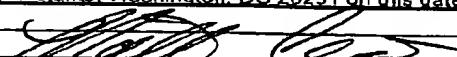
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	ALAN W. CANNON, Reg. No. 34,977
Signature	
Date	January 24, 2003

801/24/03  
 EXECUTED  
 Not 02/04/03  
 D 05/04/03

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: January 24, 2003.

Typed or printed name	Martina Claperoas
Signature	

Date January 24, 2003

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FEE TRANSMITTAL  
for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 546.00)

## METHOD OF PAYMENT

The Commissioner is hereby authorized to charge indicated fees and credit overpayments to:  
Deposit Account Number 50-0815  
Deposit Account Name Bozicevic, Field & Francis LLP

Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

Applicant Claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed: Check  Credit Card  Money Order  Other

## FEE CALCULATION

## 2. BASIC FILING FEE

Large Entity Fee Code (\$)	Entity Fee	Small Entity Fee Code (\$)	Entity Fee	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	185	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

## SUBTOTAL (1)

## 1. EXTRA CLAIM FEES

Total Claims	29 - 22	= 7	X	Fee from below	Fee Paid
Indep. Claims	10 - 5	= 5	X	18.00	= 128.00
Multiple Dependent				84.00	= 420.00

Large Entity Fee Code (\$)	Entity Fee	Small Entity Fee Code (\$)	Entity Fee	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

## SUBTOTAL (2) \$ 546.00

\*\* or number previously paid, if greater; For Reissues, see above.

GROUP 3700		Complete if Known	
Application Number	09/440,106		
Filing Date	November 15, 1999		
First Named Inventor	TAYLOR, CHARLES S.		
Examiner Name	NASSER, ROBERT L.		
Group Art Unit	3736		
Attorney Docket No.	GUID-003DIV2		

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath
127	50	227	25 Surcharge - late provisional filing fee or cover sheet
139	130	139	130 Non-English specification
147	2,520	147	2,520 For filing a request for ex parte reexamination
112	920*	112	920* Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action
115	110	215	55 Extension for reply within first month
116	400	216	200 Extension for reply within second month
117	920	217	460 Extension for reply within third month
118	1,440	218	720 Extension for reply within fourth month
128	1,960	228	960 Extension for reply within fifth month
119	320	219	160 Notice of Appeal
120	320	220	160 Filing a brief in support of an appeal
121	280	221	140 Request for oral hearing
138	1,510	138	1,510 Petition to institute a public use proceeding
140	110	240	55 Petition to revive - unavoidable
141	1,280	241	640 Petition to revive - unintentional
142	1,280	242	640 Utility issue fee (or reissue)
143	460	243	230 Design issue fee
144	620	244	310 Plant issue fee
122	130	122	130 Petitions to the Commissioner
123	50	123	50 Processing fee under 37 CFR 1.17(q)
126	180	126	180 Submission of Information Disclosure Stmt
581	40	581	40 Recording each patent assignment per property (times number of properties)
146	740	246	370 For each additional invention to be examined (37 CFR § 1.129(a))
149	740	249	370 For each additional invention to be examined (37 CFR § 1.129(b))
179	740	279	370 Request for Continued Examination (RCE)
169	900	169	900 Request for expedited examination of a design application

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

## SUBTOTAL (3) (5)

SUBMITTED BY					
Complete (if applicable)					
Name (Print/Type)	Alan W. Casper	Registration No. (Attorney/Agent)	34,977	Telephone	(650) 327-3400
Signature				Date	01/24/2003

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CERTIFICATE OF MAILING		MAR 4 2003
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GROUP 3700	Martha Cisneros	GROUP 3700
Signature		Date
		January 21, 2003

AMENDMENT UNDER 37 C.F.R. §1.116	Attorney Docket Confirmation No.	GUID-003DIV2 2546
Address to: Box AF Assistant Commissioner for Patents Washington, D.C. 20231	First Named Inventor	Charles S. Taylor
	Application Number	09/440,106
	Filing Date	November 15, 1999
	Group Art Unit	3736
	Examiner Name	Nasser, Robert L.
	Title	Surgical Devices for Imposing a Negative Pressure to Stabilize Cardiac Tissue During Surgery

Sir:

This amendment is responsive to the Final Office Action dated November 4, 2002 for which a three-month period for response was given making this response due on or before February 4, 2003. In view of the amendments to the claims and the remarks put forth below, reconsideration and allowance are respectfully requested. Applicant has attached to this amendment a "Version with Markings to Show Changes Made" wherein all of the amendments requested here are put forth with underlining and bracketing.

Applicant submits that the amendments set forth below raise no new issues. Rather, the amendments place the claims in form for allowance or in better form for appeal. Entry of these amendments is thus respectfully requested.

Applicant notes that those claims not amended herein are being reiterated solely for the convenience of the Examiner.

IN THE CLAIMS

AMENDMENTS

Please amend claim 2 as follows:

2. (Twice Amended) The device of claim 23 further comprising a means for introducing a negative pressure located between said internal and external walls.

Atty Dkt. No.: GULD-003DIV2  
USSN: 09/440,106

Please amend claim 8 as follows:

8. (Twice Amended) The device of claim 23 further comprising at least one instrument port located in the housing.

Please cancel claim 11 without prejudice.

Please amend claim 14 as follows:

14. (Once Amended) The device of claim 12 wherein each said suction port has a passage communication with a pressure conducting space on the interior of said block, respectively, and wherein the pressure conducting space has an inlet which is fluidly connectable with the vacuum line.

Please amend claim 17 as follows:

17. (Once Amended) As part of a surgical procedure on the heart, a method comprising: accessing the surface of the heart;

providing an instrument comprising a housing having a bottom surface forming a complete ring shaped to engage a portion of the surface of the heart, wherein said housing comprises internal and external walls which extend from said bottom surface and converge toward one another to define an interior space which is radially inward of said bottom surface and at least partially covered by said internal and external walls, and further comprising means for introducing a negative pressure to the interior of said housing;

bringing said bottom surface into contact with said portion of the surface of the heart; applying a negative pressure through said means for introducing a negative pressure; and attaching said housing to said portion of the surface of the heart whereby said portion of the surface of the heart becomes fixed relative to said instrument.

Atty Dkt. No.: GUID-003DIV2  
USSN: 09/440,106

Please amend claim 23 as follows:

23. (Once Amended) A device for imposing a negative pressure on the surface of the heart comprising: a housing having a bottom surface forming a complete ring shaped to engage the surface of the heart; a plurality of suction ports having openings disposed in the bottom surface of the housing; and a vacuum line operably connected to the suction ports, wherein said housing comprises internal and external walls which extend from said bottom surface and converge toward one another to define an interior space which is radially inward of said bottom surface and at least partially covered by said internal and external walls.

Please amend claim 24 as follows:

24. (Once Amended) A device for imposing a negative pressure on the surface of the heart comprising: first and second shafts joined by an articulating link; first and second suction port assemblies, wherein said first shaft is attached to said first suction port assembly and said second shaft is attached to said second port assembly; wherein each said suction port assembly is comprised of a block having a plurality of suction ports having openings disposed in a bottom surface thereof, and wherein each said block is attached to a vacuum line.

Please cancel claims 25-30 without prejudice.

Please amend claim 31 as follows:

31. (Once Amended) The device of claim 23 further comprising at least one instrument port located in the housing.

Please enter the following new claims 41-43:

41. (New) A device for imposing a negative pressure on the surface of the heart comprising: a semi-spherical shaped housing adapted to contact the surface of the heart on opposite sides of a target artery and having a bottom surface shaped to engage the surface of the heart, said housing

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comprising at least one instrument port comprising means for attaching an instrument; a plurality of suction ports having openings disposed in the bottom surface of the housing; and a vacuum line operably connected to the suction ports.

42. (New) A device for imposing a negative pressure on the surface of the heart comprising: a semi-spherical shaped housing adapted to contact the surface of the heart on opposite sides of a target artery and having a bottom surface shaped to engage the surface of the heart, said housing comprising at least one instrument port;

a magnetic locking mechanism on said at least one instrument port;  
a plurality of suction ports having openings disposed in the bottom surface of the housing; and a vacuum line operably connected to the suction ports.

43. (New) A device for imposing a negative pressure on the surface of the heart comprising: a semi-spherical shaped housing adapted to contact the surface of the heart on opposite sides of a target artery and having a bottom surface shaped to engage the surface of the heart, said housing comprising at least one instrument port;

a suction-driven locking mechanism on said at least one instrument port;  
a plurality of suction ports having openings disposed in the bottom surface of the housing; and a vacuum line operably connected to the suction ports.

44. (New) A device for imposing a negative pressure on the surface of the heart comprising: a housing having a bottom surface forming a complete ring shaped to engage the surface of the heart; a vacuum line operably connected to said housing to apply negative pressure to engage said bottom surface with the surface of the heart, wherein said housing comprises internal and external walls which extend from said bottom surface and converge toward one another to define an interior space which is <sup>adapted to at least</sup> <sup>perfectly</sup> <sup>receive</sup> <sup>heart</sup> radially inward of said bottom surface and at least partially covered by said internal and external walls.

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REMARKS UNDER 37 CFR § 1.116

Formal Matters

Claims 2, 3, 7-9, 12, 14, and 17-44 are pending after entry of the amendments set forth herein.

Claims 2, 3, 7-9, 11, 12, 14, and 17-40 were examined. Claims 2, 3, 7, 8, 11, 12, 14, 17-34 and 37-40 were rejected. Claims 9, 35, and 36 were objected to as being dependent upon a rejected base claim, but were otherwise indicated to be allowable.

Claims 8, 17, 23 and 31 have been amended. Claims 11, 25-30 have been canceled, without prejudice to the possibility of filing one or more continuing applications directed to the subject matter recited therein. Claims 41-43 have been added to provide allowable claims 9, 35 and 36 in independent form. Claim 44 has been provided to further define the housing of the present invention over the art currently applied against the previous claims.

The amendments to the claims were made solely in the interest of expediting prosecution, and are not to be construed as an acquiescence to any objection or rejection of any claim. Support for the amendments and additions to the claims is found throughout the specification. Accordingly, no new matter is added by these amendments and additions.

Please replace claims 2, 8, 14, 17, 23, 24 and 31 with the clean version provided above.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Applicant respectfully requests reconsideration of the application in view of the amendments and remarks made herein.

Rejections under 35 U.S.C. §102(e)

The rejection of claims 2, 3, 7, 8, 17-22, 23, and 25-31 under 35 U.S.C. §102(e) as being anticipated by Wright et al., (U.S. Patent No. 5,782,746) is respectfully traversed. The Examiner maintained that Wright et al. discloses a dome-shaped housing, concluding that the showing of a semicircular cross-section in Figs. 2-4 equates to the housing of Wright et al. being dome-shaped. Applicant respectfully disagrees with this reasoning. The Wright et al. specification itself describes the structure that the Examiner has referred to as a U-shaped, circular or elliptical annulus. An annulus is not a dome, but rather is a figure bounded by and containing the area between two concentric circles.

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Thus, for the record, Applicant traverses the assertion of the Examiner. However, this point is now moot in view of the amendment of claims above.

As amended, independent claim 17 recites a housing having a bottom surface forming a complete ring shaped to engage a portion of the surface of the heart, wherein said housing comprises internal and external walls which extend from said bottom surface and converge toward one another to define an interior space which is radially inward of said bottom surface and at least partially covered by said internal and external walls. Wright et al. clearly fails to disclose or suggest such a housing. Similarly, independent claim 23 has been amended to recite a housing having a bottom surface forming a complete ring shaped to engage the surface of the heart, wherein the housing comprises internal and external walls which extend from said bottom surface and converge toward one another to define an interior space which is radially inward of said bottom surface and at least partially covered by said internal and external walls. Wright et al. clearly fails to disclose or suggest a housing as currently recited in claim 23. The remaining claims each depend from one of independent claims 17 and 23 and it is therefore respectfully submitted that these claims also patentably define over Wright et al. New claim 44 similarly recites a housing structure that defines over Wright et al., for the same reasons provided above with regard to claims 17 and 23.

For at least the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 2, 3, 7, 8, 17-22, 23, and 25-31 under 35 U.S.C. §102(e) as being anticipated by Wright et al., (U.S. Patent No. 5,782,746), as being improper.

The rejection of claims 11, 12, 14 and 24 under 35 U.S.C. §102(e) as being anticipated by Vierra et al. (U.S. Patent No. 6,139,492) is respectfully traversed. Independent claim 24 has been amended to clarify that each suction port assembly is comprised of a block having a plurality of suction ports having openings disposed in a bottom surface thereof. The purpose of having the openings of the suction ports in the bottom surface of the block is to functionally attach the claimed device to the cardiac tissue at various points of contact along the block (see page 13, lines 16 and 17).

On the other hand, Vierra et al. provides holes 73 on the inside surfaces of arms 15 and 17 of their device which are connected to a lumen 75 which may be coupled to a vacuum source to suction fluids from the surgical site out of the patient. Moreover, Vierra et al. teach against placing the holes 73 on the bottom surface of arms 15 and 17. If the suction holes were so positioned, their function of clearing the fluid from the surgical site would be defeated as no fluid would be able to pass through to the suction holes as they would be closed off by contact with the surface of the heart.

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USSN: 09/440,106

Accordingly, Vierra et al. do not anticipate or make obvious claims 12, 14 and 24 (claim 11 having been canceled without prejudice). The Examiner is thus respectfully requested to withdraw the rejection, as being improper.

Claims 11, 12, 14 and 24 were also rejected under 35 U.S.C. §102(e) as being anticipated by Slater et al. (U.S. Patent No. 5,417,709). Applicant respectfully disagrees with the statement on page 2 of the office action that each block 18a and 18b has a plurality of ports 29a and 29b in its bottom surface. As described in Slater, the end effectors 18a and 18b have one or more fluid openings 29a and 29b located on "inner face surfaces" 19a and 19b, respectively (see column 4, line 17-19). The "inner face surfaces" oppose each other when the end effectors are in a closed position. As such, only one or the other of these surfaces can logically be referred to as a "bottom" surface. If one is a bottom surface, the other must be a top surface. Both cannot be characterized as a bottom surface. As such, Slater does not disclose that each block have a plurality ports on the bottom surface of the block. Moreover, Slater teaches against such a configuration. Should both end effectors have openings on their respective "bottom" surfaces, the function of one set of openings would be defeated as it would be facing away from the targeted surgical area or tissue surface or the area/surface requiring irrigation or suction.

Accordingly, Slater does not anticipate or make obvious claims 12, 14 and 24. The Examiner is thus respectfully requested to withdraw the rejection.

The rejection of claims 25-31 under 35 U.S.C. §102(e) as being anticipated by Borst et al. (U.S. Patent No. 5,9,27,284) has been rendered moot as claims 25-30 have been canceled, without prejudice and claim 31 has been amended to be dependent upon claim 23.

#### Rejections under 35 U.S.C. §103(a)

The rejection of claims 17-22 under 35 U.S.C. §103(a) as being unpatentable over Borst et al. in view of Wright is respectfully traversed. As previously stated, Wright does not disclose or suggest a semi-spherical or dome-shaped housing. Furthermore, the device disclosed in Wright does not possess suction ports, but rather, the device consists of a relatively flat annular element that rests upon the heart surface, whereby the inner and outer edges form a seal with the heart surface. Vacuum pressure is applied to the entire area between the two concentric edges of the annular device.

Accordingly, Borst et al. or Wright, either alone or in combination, do not teach or suggest the subject matter of claims 17-22. The Examiner is thus respectfully requested to withdraw the rejection.

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USSN: 09/440,106

The rejection of claims 32-34 and 37-40 under 35 U.S.C. §103(a) as being unpatentable over Vierra et al. in view of Borst et al. is respectfully traversed. Independent claim 32 comprises providing an instrument having first and second shafts interlinked by a pivot wherein each shaft is attached to a respective member having at least one suction port therein. Independent claims 37 and 38 each provide for a device or instrument having first and second shafts joined by an articulating link wherein each shaft is attached to a suction port assembly or a member having at least one suction port therein. Each of the claims requires two shafts and two "feet" wherein each shaft is interconnected to one "foot." The interlinking pivot or articulating link facilitates the device having a hand-held configuration or otherwise configured to be grasped by the hand in order to manipulate the device after negative pressure has been imposed through it to the surface of the heart. Manipulating the devices moves the feet to allow the contacted tissue to be stretched or relatively oriented (see page 6).

Vierra et al. does not disclose or suggest a dual-shaft, dual-foot configuration, rather it discloses only a single shaft having two feet attached thereto. While Borst et al. discloses using two shafts, each with an attached foot, there is no suggestion that the shafts should be interlinked together. In fact, Borst et al. appears to teach against such an interlinked configuration as each shaft is to be "fixed or immobilized to a stationary object, such as an operating table or a sternal or rib retractor." (see column 3, lines 7-9). To interlink the shafts with each other would defeat this objective.

Accordingly, Vierra et al. or Borst et al., either alone or in combination, do not teach or suggest the subject matter of claims 17-22. The Examiner is thus respectfully requested to withdraw the rejection.

Atty Dkt. No.: G UID-003DIV2  
USSN: 09/440,106

**Conclusion**

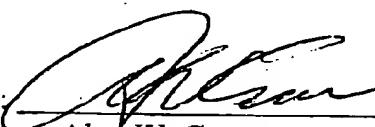
Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number G UID-003DIV2.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: January 24, 2003

By:



Alan W. Cannon  
Registration No. 34,977

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
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Arty Dkt. No.: GUID-003DIV2  
USSN: 09/440,106

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Claim 2 was amended above as follows:

2. (Twice Amended) The device of claim 23 further comprising a means for introducing a negative pressure located between said internal and external walls [in the interior of the housing].

Claim 8 was amended above as follows:

8. (Twice Amended) The device of claim 23 further comprising at least one instrument port located in the [dome-shaped portion of the] housing.

Claim 14 was amended above as follows:

14. (Once Amended) The device of claim 12 wherein [the suction port assembly is comprised of an array of said plurality suction ports, wherein] each said suction port has a passage communication with a pressure conducting space on the interior of said block, respectively, and wherein the pressure conducting space has an inlet [an.d] which is fluidly connectable with the [is attached to a] vacuum line [affixed to the shaft].

Claim 17 was amended above as follows:

17. (Once Amended) As part of a surgical procedure on the heart, a method comprising: accessing the surface of the heart;

providing an instrument comprising a [dome-shaped] housing having a bottom surface forming a complete ring shaped to engage a portion of the surface of the heart, wherein said housing comprises internal and external walls which extend from said bottom surface and converge toward one another to define an interior space which is radially inward of said bottom surface and at least partially covered by

Atty Dkt. No.: GUD-003DIV2  
USSN: 09/440,106

said internal and external walls, and further comprising means for introducing a negative pressure to the interior of said housing;

bringing said bottom surface into contact with said portion of the surface of the heart;  
applying a negative pressure through said means for introducing a negative pressure; and  
attaching said housing to said portion of the surface of the heart whereby said portion of the surface of the heart becomes fixed relative to said instrument.

Claim 23 was amended above as follows:

23. (Once Amended) A device for imposing a negative pressure on the surface of the heart comprising: a [dome-shaped] housing having a bottom surface forming a complete ring shaped to engage the surface of the heart; a plurality of suction ports having openings disposed in the bottom surface of the housing; and a vacuum line operably connected to the suction ports, wherein said housing comprises internal and external walls which extend from said bottom surface and converge toward one another to define an interior space which is radially inward of said bottom surface and at least partially covered by said internal and external walls.

Claim 24 was amended above as follows:

24. (Once Amended) A device for imposing a negative pressure on the surface of the heart comprising: first and second shafts joined by an articulating link [interlinked by a pivot]; first and second suction port assemblies, wherein said first shaft is attached to said first suction port assembly and said second shaft is attached to said second port assembly; wherein each said suction port assembly is comprised of a block having a plurality of suction ports having openings disposed in a bottom surface thereof [therein], and wherein each said block is attached to a vacuum line.

Claim 31 was amended above as follows:

31. (Once Amended) The device of claim [29] 23 further comprising at least one instrument port located in the [annular] housing.



BUZICEVIC, FIELD & FRANCIS, LLP  
200 MIDDLEFIELD ROAD, SUITE 200  
MENLO PARK, CA 94025

U.S. POSTAGE 2002 

Atty: AWC/mpc

File No. GUID-003D(V2)

Date Mailed: January 24, 2003

Application No.: 09/440,106

Date Filed: November 15, 1999

Applicant: Guidant Corp. Inventor(s): Charles S. Taylor

Title: Surgical Devices for Imposing a Negative Pressure  
to Stabilize Cardiac Tissue During Surgery

Enclosures:

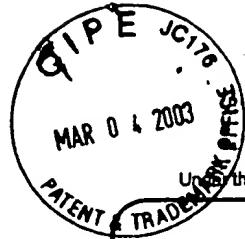
Transmittal re Final Office Action dated 11.4.02 (1pg.)

Fee Transmittal in Duplicate

Amendment Under 37 CFR §1.116 (11 pgs.)

Postcard

Acknowledge Receipt of enclosures  
By imprinting PTO Date Stamp  
and Returning to addressee



09/440-106

3108

B

PTO/SB/83 (01-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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## REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

Application Number	See Exhibit B
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	6VID-6EN1

To: Commissioner for Patents  
Washington, DC 20231

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are:

Client has requested the files be transferred per the attached letter (Exhibit A.)

- The correspondence address is NOT affected by this withdrawal.
- Change the correspondence address and direct all future correspondence to:

### CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number		→	Place Customer Number Bar Code Label Here
--	--	---	--

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Alan W. Cannon		
Address	834 South Wolfe Road		
Address			
City	Sunnyvale	State	CA
Country	US		
Telephone	408.736.3554	Fax	408.736.3564
<input checked="" type="checkbox"/> This request is made on behalf of myself and			
<input type="checkbox"/> all the attorneys/agents of record.			
<input type="checkbox"/> the attorneys/agents (with registration numbers) listed on the attached paper(s), or	24353		
<input checked="" type="checkbox"/> the attorneys/agents associated with Customer Number			

This request is enclosed in triplicate (including any attachments).

Name Karl Bozicevic, Reg. No. 28,807

Signature *[Signature]*

Date February 24, 2003

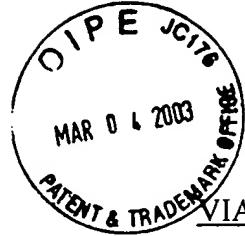
APPROVED  
JOHN E. KITTLE  
DIRECTOR  
TECHNOLOGY CENTER 3700  
10/24/03

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval and the effective date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

**GUIDANT**

**EXHIBIT A**



February 14, 2003

VIA FACSIMILE (original by first class mail)

Karl Bozicevic  
Bozicevic, Field & Francis, LLP  
200 Middlefield Road, Suite 200  
Menlo Park, California 94025

**CONFIDENTIAL**

**RE: Transfer of Guidant's Files**

Dear Karl:

I request and authorize you to transfer, at your earliest convenience, all Guidant files, including any draft applications, along with all prior art references and notes relevant to each case to:

Law Office of Alan W. Cannon  
834 South Wolfe Road  
Sunnyvale, CA 94086  
(408) 736-355

Please delete all electronic files, including Guidant's patent library.

All future correspondence received related to these files should be forwarded to Alan at the address listed above.

Please confirm when the files have been transferred. Feel free to contact me if you have any questions.

We wish you the best of luck in the future.

Sincerely,

Ron Devore

cc: Alan Cannon

IMATTERNO	COUNTRYID	TYPE	SERIALNO	FILE	PATENTNO	ISSUE	TITLE
GUID-001	US	UTL	08/419,991	4/10/1995	5,888,247	3/30/1999	METHOD FOR CORONARY ARTERY
GUID-001CIP	US	UTL	08/889,616	7/ 7/1997	5,947,125	9/ 7/1999	METHOD FOR CORONARY ARTERY
GUID-001CON	US	UTL	09/340,913	6/28/1999	6,167,889	1/ 2/2001	METHOD FOR CORONARY ARTERY
GUID-001CON2	US	UTL	09/660,284	9/12/2000			METHOD FOR CORONARY ARTERY
GUID-001CON3	US	UTL	09/956,616	9/17/2001			METHOD FOR CORONARY ARTERY
GUID-001CON4	US	UTL	10/338,487	1/ 7/2003			METHOD FOR CORONARY ARTERY
GUID-001DIV	US	UTL	09/390,821	9/ 7/1999	6,332,468	12/25/2001	METHOD FOR CORONARY ARTERY
GUID-002	US	UTL	08/521,639	8/31/1995			METHOD FOR CORONARY ARTERY
GUID-003	US	UTL	08/603,328	2/20/1996	5,727,569	3/17/1998	SURGICAL DEVICES FOR IMPOSING
GUID-003CIP	US	UTL	08/790,828	1/23/1997	5,906,607	5/25/1999	SURGICAL DEVICES FOR IMPOSING
GUID-003CON	US	UTL	09/318,504	5/25/1999			SURGICAL DEVICES FOR IMPOSING
GUID-003CON2	US	UTL	10/216,616	8/ 8/2002			SURGICAL DEVICES FOR IMPOSING
GUID-003CON3	US	UTL	10/020,451	12/14/2001			SURGICAL DEVICES FOR IMPOSING
GUID-003DIV	US	UTL	08/870,687	6/ 6/1997	6,032,672	3/ 7/2000	SURGICAL DEVICES FOR IMPOSING
GUID-003DIV2	US	UTL	09/440,106	11/15/1999			SURGICAL DEVICES FOR IMPOSING
GUID-004	US	UTL	08/603,411	2/20/1996	5,651,378	7/29/1997	METHOD OF USING VAGAL NERVE S
GUID-004CIP	US	UTL	08/887,527	7/ 3/1997			METHOD OF USING VAGAL NERVE S
GUID-004CON	US	UTL	08/935,126	9/22/1997	5,913,876	6/22/1999	METHOD AND APPARATUS FOR USI
GUID-004CON2	US	UTL	09/338,303	6/22/1999	6,308,104	10/23/2001	METHOD AND APPARATUS FOR USI
GUID-004DIV	US	UTL	09/574,586	5/17/2000	6,381,499	4/30/2002	METHOD AND APPARATUS FOR USI
GUID-005	US	UTL	08/603,758	2/20/1996	5,894,843	4/20/1999	SURGICAL METHOD FOR STABILIZIN
GUID-005CIP	US	UTL	08/789,751	1/27/1997	6,346,077	2/12/2002	SURGICAL INSTRUMENTS AND PRO
GUID-005CIP2	US	UTL	08/931,158	9/16/1997	6,036,641	3/14/2000	SURGICAL INSTRUMENTS AND PRO
GUID-005CIP3	US	UTL	09/305,813	5/ 4/1999	6,290,644	9/18/2001	SURGICAL INSTRUMENTS AND PRO
GUID-005CON	US	UTL	09/832,356	4/ 9/2001			SURGICAL INSTRUMENTS AND PRO
GUID-005CON2	US	UTL	09/975,392	10/10/2001			SURGICAL INSTRUMENTS AND PRO
GUID-005CON3	US	UTL	10/007,550	11/ 6/2001			SURGICAL INSTRUMENTS AND PRO
GUID-005CON4	US	UTL	10/071,056	2/ 8/2002			DEVICE FOR SEALING A VESSEL DU
GUID-005CON5	US	UTL	10/100,314	3/14/2002			SURGICAL INSTRUMENTS AND PRO
GUID-005DIV	US	UTL	09/099,855	6/18/1998	6,050,266	4/18/2000	SURGICAL INSTRUMENTS AND PRO
GUID-005DIV2	US	UTL	09/525,774	3/13/2000	6,394,951	5/28/2002	SURGICAL INSTRUMENTS AND PRO
GUID-005DIV3	US	UTL	09/102,827	6/23/1998	6,213,941	4/10/2001	SURGICAL INSTRUMENTS AND PRO
GUID-005DIV4	US	UTL	09/550,447	4/17/2000	6,315,717	11/13/2001	SURGICAL INSTRUMENTS AND PRO
GUID-005DIV5	US	UTL	09/866,109	5/25/2001			SURGICAL INSTRUMENTS AND PRO
GUID-006	US	UTL	08/604,161	2/20/1996	5,730,757	3/24/1998	ACCESS PLATFORM FOR INTERNAL
GUID-006CIP	US	UTL	08/619,903	3/20/1996	5,976,171	11/ 2/1999	ACCESS PLATFORM FOR INTERNAL
GUID-006CIP2	US	UTL	08/787,748	1/27/1997			ACCESS PLATFORM FOR INTERNAL
GUID-006CON	US	UTL	08/903,516	7/30/1997	5,944,736	8/31/1999	ACCESS PLATFORM FOR INTERNAL
GUID-006CON2	US	UTL	09/378,292	8/20/1999	6,478,734	11/12/2002	ACCESS PLATFORM FOR INTERNAL
GUID-006CON3	US	UTL	09/385,812	8/30/1999			ACCESS PLATFORM FOR INTERNAL
GUID-006CON4	US	UTL	09/480,830	1/10/2000			ACCESS PLATFORM FOR INTERNAL
GUID-006CON5	US	UTL	09/480,826	1/10/2000			ACCESS PLATFORM FOR INTERNAL
GUID-006CON6	US	UTL	09/480,828	1/10/2000			ACCESS PLATFORM FOR INTERNAL
GUID-006CON7	US	UTL	10/231,955	8/30/2002			ACCESS PLATFORM FOR INTERNAL
GUID-006DIV	US	UTL	09/431,362	11/ 1/1999			ACCESS PLATFORM FOR INTERNAL
GUID-007	US	UTL	08/752,741	11/14/1996	5,875,782	3/ 2/1999	METHODS AND DEVICES FOR MINIM
GUID-007DIV	US	UTL	09/108,928	7/ 1/1998			METHODS AND DEVICES FOR MINIM
GUID-007DIV2	US	UTL	09/602,589	6/21/2000			METHODS AND DEVICES FOR MINIM
GUID-008	US	UTL	09/071,757	5/ 1/1998	6,199,556	3/13/2001	XYPHOID ACCESS FOR CARDIAC SU
GUID-008CON	US	UTL	09/757,128	1/ 8/2001			XYPHOID ACCESS FOR CARDIAC SU
GUID-009	US	UTL	09/118,132	7/16/1998			METHODS AND DEVICES FOR STABI
GUID-009CON	US	UTL	09/687,257	10/12/2000			METHODS AND DEVICES FOR STABI
GUID-010	US	UTL	09/305,803	5/ 4/1999	6,231,506	5/15/2001	METHOD AND APPARATUS FOR CRE
GUID-010CON	US	UTL	09/758,521	1/10/2001			METHOD AND APPARATUS FOR CRE
GUID-011	US	UTL	09/305,810	5/ 4/1999	6,331,158	12/18/2001	SURGICAL RETRACTOR APPARATUS
GUID-011CIP	US	UTL	09/372,661	8/11/1999			APPARATUS FOR POSITIONING AND
GUID-011CIP2	US	UTL	09/452,760	12/ 1/1999			METHODS AND DEVICES FOR IMPR
GUID-011CIP3	US	UTL	09/958,263	3/ 6/2002			SURGICAL INSTRUMENTS FOR ACC
GUID-012	US	UTL	09/305,811	5/ 4/1999	6,283,912	9/ 4/2001	SURGICAL RETRACTOR PLATFORM
GUID-012CON	US	UTL	09/900,503	7/ 6/2001			SURGICAL RETRACTOR PLATFORM
GUID-012CON2	US	UTL	10/322,966	12/18/2002			SURGICAL RETRACTOR PLATFORM
GUID-014	US	UTL	09/366,190	8/ 3/1999	6,511,416	1/28/2003	TISSUE STABILIZER AND METHODS
GUID-014CON	US	UTL	10/272,036	10/15/2002			TISSUE STABILIZER AND METHODS
GUID-015	US	UTL	09/398,535	9/16/1999	6,406,424	6/18/2002	TISSUE STABILIZER HAVING AN ART
GUID-015CON	US	UTL	10/137,643	4/30/2002			TISSUE STABILIZER HAVING AN ART
GUID-016	US	UTL	08/850,150	5/ 2/1997	6,190,311	2/20/2001	RETRACTOR AND INSTRUMENT PLA

IMATTERNO	COUNTRYID	TYPE	SERIALNO	FILE	PATENTNO	ISSUE	TITLE
GUID-017	US	UTL					TISSUE STABILIZER HAVING TENSIO
GUID-018	US	UTL					DUAL MODE TISSUE STABILIZER
GUID-019	US	UTL					SECONDARY TISSUE STABILIZATION
GUID-020	US	UTL					SYSTEM FOR LESS INVASIVE VALVE
GUID-021	US	UTL	09/769,964	1/24/2001			SURGICAL INSTRUMENTS FOR STAB
GUID-022	US	UTL	07/706,781	5/29/1991			PROPERITONEAL MECHANICAL RET
GUID-022CIP	US	UTL	07/890,033	5/28/1992			PROPERITONEAL MECHANICAL RET
GUID-022CIP2	US	UTL	08/279,290	7/22/1994			APPARATUS AND METHOD FOR CRE
GUID-022CON	US	UTL	08/253,184	6/ 2/1994			PROPERITONEAL MECHANICAL RET
GUID-022CON2	US	UTL	08/341,708	11/18/1994			PROPERITONEAL MECHANICAL RET
GUID-022CON3	US	UTL	08/062,707	5/18/1993			APPARATUS AND METHOD FOR CRE
GUID-022CON4	US	UTL	08/668,827	6/24/1996	5,676,636	10/14/1997	APPARATUS AND METHOD FOR CRE
GUID-022CON5	US	UTL	08/869,830	6/ 5/1997	5,823,946	10/20/1998	METHOD FOR CREATING A MEDIAST
GUID-022DIV	US	UTL	08/620,264	3/22/1996			PROPERITONEAL MECHANICAL RET
GUID-022DIV2	US	UTL	08/869,391	6/ 5/1997	5,941,819	8/24/1999	APPARATUS AND METHOD FOR CRE
GUID-023	US	UTL	09/400,326	9/21/1999	6,287,250	9/11/2001	METHOD AND APPARATUS FOR CAR
GUID-024	US	UTL	08/936,184	9/17/1997	6,019,722	2/ 1/2000	DEVICE TO PERMIT OFFPUMP BEATI
GUID-024CIP	US	UTL	09/087,511	5/29/1998	6,338,712	1/15/2002	DEVICE TO PERMIT OFFPUMP BEATI
GUID-024CIP2	US	UTL	09/109,924	7/ 2/1998	6,390,976	5/21/2002	DEVICE TO PERMIT OFFPUMP BEATI
GUID-024CON	US	UTL	09/441,542	11/16/1999	6,361,493	3/26/2002	DEVICE TO PERMIT OFFPUMP BEATI
GUID-024CON2	US	UTL	09/962,291	9/24/2001			DEVICE TO PERMIT OFFPUMP BEATI
GUID-024CON3	US	UTL	09/956,418	9/18/2001			DEVICE TO PERMIT OFFPUMP BEATI
GUID-024CON4	US	UTL	10/025,941	12/20/2001			DEVICE TO PERMIT OFFPUMP BEATI
GUID-024CON5	US	UTL	10/029,792	12/28/2001			DEVICE TO PERMIT OFFPUMP BEATI
GUID-024CON6	US	UTL	10/113,731	3/27/2002			DEVICE TO PERMIT OFFPUMP BEATI
GUID-024CON7	US	UTL					DEVICE TO PERMIT OFFPUMP BEATI
GUID-024CON8	US	UTL					DEVICE TO PERMIT OFFPUMP BEATI
GUID-025RIS	US	UTL					ORGAN MANIPULATOR HAVING SUC
GUID-026	US	UTL					FLUTED SHAFT
GUID-027	US	UTL					HEART POSITIONER
GUID-028	US	UTL	09/390,792	9/ 7/1999	6,506,149	1/14/2003	ORGAN MANIPULATOR HAVING SUC
GUID-028CON	US	UTL	10/193,575	7/10/2002			ORGAN MANIPULATOR HAVING SUC
GUID-028DIV	US	UTL	09/747,388	12/22/2000			A LOCKING ARM HAVING BALL JOIN
GUID-029	US	UTL					ORGAN MANIPULATOR HAVING SUC
GUID-030	US	UTL					VACUUM-ASSIST CARDIAC SUCTION
GUID-031	US	UTL					SUCTION VESSEL POSITIONING DEV
GUID-032	US	UTL					HEART MANIPULATION APPARATUS
GUID-033	US	UTL					SUCTION STABILIZATION APPARTUS
GUID-034	US	UTL					ENDOSCOPIC HEART MANIPULATIO
GUID-035	US	UTL	10/283,784	10/29/2002			TISSUE STABILIZER AND METHODS
GUID-036	US	UTL					SUB-XYPHOID THORACIC RETRACT
GUID-037	US	UTL					DEVICE FOR PERFORMING A PROXI
GUID-037CIP	US	UTL					DEVICE FOR PERFORMING A PROXI
GUID-038	US	UTL	09/654,605	9/ 1/2000			METHOD AND APPARATUS FOR PER
GUID-038CIP	US	UTL					TUBULAR ANASTOMOSIS RING HAVI
GUID-038PRV	US	PRV	60/152,001	9/ 1/1999			METHOD AND APPARATUS FOR PER
GUID-039	US	UTL	09/410,487	9/30/1999	6,306,116	10/23/2001	METHOD AND APPARATUS FOR PRE
GUID-040	US	UTL	09/583,944	5/31/2000			METHOD AND APPARATUS FOR PER
GUID-041	US	UTL	09/635,345	8/ 9/2000			APPARATUS AND METHODS FOR SU
GUID-041CIP	US	UTL	09/738,608	12/14/2000			APPARATUS AND METHODS FOR SU
GUID-041CON	US	UTL	09/779,715	2/ 8/2001			APPARATUS AND METHODS FOR CA
GUID-042	US	UTL	09/794,670	2/27/2001			METHOD AND APPARATUS FOR PER
GUID-042CIP	US	UTL					DEVICE, TOOLS AND METHODS FOR
GUID-043	US	UTL					METHOD FOR ANASTOMOSIS WITH
GUID-044	US	UTL					CLIP APPLIER FOR MECHANICAL AN
GUID-045	US	UTL					TIMING AND ACTUATION FOR ANVIL
GUID-046	US	UTL					ANSTOMYSIS CLIP SPREADING MEC
GUID-047	US	UTL	H				SINGLE-USE ANASTOMOSIS CLIP CA
GUID-048	US	UTL					VENUS: SHAPED PUNCH DEVELOPM
GUID-049	US	UTL					MECHANISM FOR THE APPLICATION
GUID-050	US	UTL					CLIP RETENTION METHODS FOR TH
GUID-051	US	UTL					ANVIL ELEMENT INTEGRAL TO MEC
GUID-052	US	UTL					RING INSTALLATION APPARATUS W
GUID-053	US	UTL					DOCKING FEATURES FOR RIGID AN
GUID-054	US	UTL					ANASTOMOSIS RINGS WITH TAB AN
GUID-055	US	UTL					ANASTOMOSIS RING INSTALLATION